

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

SIMON GOGOLACK,

Defendant.

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**23-CR-99-JLS-JJM**

**NOTICE OF MOTION**

**MOTION BY:**

Jeffrey T. Bagley, Assistant Federal Public  
Defender

**DATE, TIME & PLACE:**

Before the Honorable Jeremiah J. McCarthy, United  
States Magistrate Judge, Robert H. Jackson United  
States Courthouse, 2 Niagara Square, Buffalo, New  
York, **on the papers submitted.**

**SUPPORTING PAPERS:**

Affirmation of Assistant Federal Public Defender  
Jeffrey T. Bagley, dated January 15, 2025

**RELIEF REQUESTED:**

Thirty-Day Adjournment of Pretrial Motion  
Deadline

**DATED:**

Buffalo, New York, January 15, 2025

**/s/ Jeffrey T. Bagley**

Jeffrey T. Bagley  
Assistant Federal Public Defender  
Federal Public Defender's Office  
300 Pearl Street, Suite 200  
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(716) 551-3341, (716) 551-3346 (Fax)  
jeffrey\_bagley@fd.org  
*Counsel for Defendant*

**TO:** Nicholas Cooper et al.  
Assistant United States Attorneys  
Western District of New York  
138 Delaware Avenue, Federal Centre  
Buffalo, New York 14202

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**23-CR-99-JLS-JJM**

v.

**AFFIRMATION**

SIMON GOGOLACK,

Defendant.

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**JEFFREY T. BAGLEY**, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Simon Gogolack.

2. Motions are currently due January 22, 2025.

3. Mr. Gogolack is seeking a 30-day extension of the deadline for those motions.

4. The discovery in this case is voluminous, over 2 terabytes of data. Simply, I need more time to sift through the discovery and draft motions in this complex, multi-defendant case with extremely stiff penalties attached.

5. I have reached out to the other defense counsel in this matter and all but counsel for Mr. Gerace have indicated they agree. Mr. Gerace's counsel advised that he is still considering his position. Mr. Gerace is not similarly situated to Mr. Gogolack in that Mr. Gerace was detained when various searches and interrogations took place. Thus, he may have fewer issues to litigate.

6. The government does not consent, citing speedy trial concerns. It had previously asked for 60 days to respond to defense motions when the schedule was initially set, the same amount of time that the defense had to examine the thousands of pages of discovery and draft

motions. The government had also previously asked for 90 days to simply provide the discovery in this case. Thus, a 30-day extension of the original 60-day deadline in this case is a reasonable request. Further, Mr. Gogolack agrees that this time is properly excluded under the Speedy Trial Act.

**WHEREFORE**, it is respectfully requested that the motion deadline be extended by 30 days.

**DATED:** Buffalo, New York, January 15, 2025

Respectfully submitted,

/s/ Jeffrey T. Bagley

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